



Ninety-Ninth Legislature - First Session - 2005
Committee Statement
LB 70

Hearing Date: January 25, 2005

Committee On: Transportation and Telecommunications

Introducer(s): (Smith, Baker, Cunningham, Mines, Bourne, Erdman)

Title: Change and eliminate provisions relating to motorcycle safety and helmets

Roll Call Vote – Final Committee Action:

- X Advanced to General File
 - Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

5	Yes	Senators Aguilar, Baker, Stuthman, Smith, Hudkins
2	No	Senators Foley, Dw. Pedersen
	Present, not voting	
1	Absent	Senator Brown

Proponents:

Senator Adrian Smith
Marvin Grove
Larry Schutt

Representing:

Introducer
ABATE of Nebraska
James Schutt/Larry Schutt

Opponents:

Joseph C. Stothert, MD, PhD
Roger Meyer, MD
Walt Radcliffe
Roger Keetle
William T. Mulherin

Representing:

Self
Nebraska Medical Association
Property Casualty Insurers Assn. of America
Nebraska Hospital Association
National Safety Council – Greater Omaha
Chapter
Creighton University Medical Center
AAA Nebraska
Nebraska Safety Council
State Board of Health
Self
American College of Surgeons, Committee on
Trauma

Ray D. Gaines, MD
Rose White
Laurie Klosterboer
Robert Sandstrom
David K. Halen
Reginald A. Burton

Neutral:

Dallas Whitford
Teresa Schulz

Representing:

Self

Summary of purpose and/or changes:

The bill changes provisions relating to motorcycle safety and helmets.

Section 1

Amends §39-2215 (the Highway Trust Fund) by requiring that prior to October 1, 2005, an amount equal to three dollars times the number of motorcycles registered during the previous month shall be placed in the Motorcycle Safety Education Fund. On and after October 1, 2005, an amount equal to eight dollars times the number of motorcycles registered during the previous month shall be placed in the Motorcycle Safety Education Fund.

Section 2

Amends §60-336 by establishing that until October 1, 2005, the motorcycle registration fee shall be \$6. On and after October 1, 2005, the motorcycle registration fee shall be \$11.

Section 3

Amends §60-4,115 by striking obsolete language regarding implementation dates and fees. New language requires that prior to January 1, 2007, the state treasurer shall transfer \$3.50 times the number of Class M licenses issued during the previous year from the Motor Vehicle Cash Fund to the Motorcycle Safety Education Fund. On and after January 1, 2007, the state treasurer shall transfer \$3.50 times the number of Class M licenses issued during the previous year from the Motor Vehicle Cash Fund to the Motorcycle Safety and Training Fund.

Section 4

Amends §60-4,127 by allowing the examiner to waive the motorcycle examination if the applicant presents proof of successful completion, within the immediately preceding twelve months, of a motorcycle safety course under the Motorcycle Safety Education Act completed prior to January 1, 2007, or a motorcycle safety course under the Motorcycle Safety and Training Act completed on or after January 1, 2007. Language is stricken which would have allowed successful completion of a motorcycle safety course within the immediately preceding forty-eight months. A reference to the Class M endorsement or Class M license is added on page 12, line 19.

Section 5

Amends §60-4,128 by increasing the penalty for failure to comply with §60-4,127 from ten dollars to seventy-five dollars. A person operating a motorcycle without a Class M license may be required to complete a motorcycle safety course under the Motorcycle Safety Education Act or the Motorcycle Safety and Training Act.

Section 6

Amends §60-4,182(13) by assessing a one point for an eye protection violation.

Section 7

Amends §60-6,279(1) by adding an internal reference.

Subsection (2) allows an individual to operate a motorcycle without a helmet if the individual is (a) at least 21 years old, (b) is equipped with eye protection and (c) carries proof of successful

completion of a motorcycle safety course. Proof of completion of a motorcycle safety course provided by a nationally recognized motorcycle safety foundation shall meet the requirements of a course.

Subsection (3) exempts an individual from wearing a helmet if the individual is (a) at least 19 years of age, (b) had a Class M license prior to January 1, 2005, and (c) is equipped with eye protection.

Subsection 4 states that except for the eye protection requirements, enforcement of this section shall only be as a secondary offense.

Subsection 5 defines eye protection.

Section 8

New language states that section 8 to 21 of this act shall be known as the Motorcycle Safety and Training Act.

Section 9

Amends §60-2125 by striking references to the Motorcycle Safety Education Course and makes other technical changes. Language regarding basic and advanced courses and minimum course requirements is stricken.

Section 10

Amends §60-2126 by making technical changes regarding motorcycle safety courses and adding internal references. Motorcycle safety courses must meet the requirements of section 9 and the rules and regulations adopted and promulgated by the Department of Motor Vehicles. Fees and remittance as well as powers of the director are established.

Section 11

Amends §60-2129 by striking language regarding chief instructors. Internal references are added.

Section 12

Amends §60-2130 by adding new language allowing an instructor's permit to be valid for three years. Internal references are corrected. Fees collected for the permit would go into the Motorcycle and Safety Training Fund, not the General Fund.

Section 13

Amends §60-2131 by striking references differentiating types of permits and making internal references and technical changes.

Section 14

Amends §60-2132 by setting a termination date for the Motorcycle Safety Education Fund as January 1, 2007. Any money remaining in the fund shall be transferred to the Motorcycle Safety and Training Fund. The fund shall consist of money transferred from the Highway Trust Fund and such money appropriated by the Legislature. The Motorcycle Safety and Training Fund is created. Technical changes are made.

Section 15

Amends §60-2133 by adding internal references, strikes language referring to educational assistance for chief instructors, and makes technical corrections.

Section 16

Amends §60-2135 by making internal references and technical changes.

Section 17

Amends §60-2136 by adding internal references and technical changes.

Section 18

Amends §60-2137 by adding an internal reference and making a technical change.

Section 19

Amends §60-2138 by adding internal references and making technical changes. Language is stricken on page 25 to allow promotional materials to include billboards and radio and television ads.

Section 20

Amends §60-2139 by making technical changes.

Section 21

New language provides a Class III misdemeanor penalty for anyone violating any provision of the Motorcycle Safety and Training Act.

Section 22

Provides that section 6 to 21, 23 and 25 become operative on January 1, 2007. The other sections become operative on their effective date.

Section 23

Repealer clause.

Section 24

Repealer clause.

Section 25

Outright repeal of §60-2120, §60-2121, §60-2127, §60-2128 and §60-2134.

Explanation of amendments, if any:

Senator Tom Baker, Chairperson